

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

COREY LEGGETT,

Defendant.

3:17-CR-095-MMD-WGC

Amended Final Order of Forfeiture

The United States District Court for the District of Nevada entered a Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2) and 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c) based upon the plea of guilty by Corey Leggett to the criminal offense, forfeiting the property set forth in the Plea Agreement and the Forfeiture Allegation of the Superseding Indictment and shown by the United States to have the requisite nexus to the offense to which Corey Leggett pled guilty. Superseding Indictment, ECF No. 34; Change of Plea, ECF No. 74; Plea Agreement, ECF No. 75; Preliminary Order of Forfeiture, ECF No. 78.

This Court finds that the United States may amend this order at any time to add subsequently located property or substitute property to the forfeiture order pursuant to Fed. R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

This Court finds the United States published the notice of forfeiture in accordance with the law via the official government internet forfeiture site, www.forfeiture.gov, consecutively from June 13, 2019, through July 12, 2019, notifying all potential third parties of their right to petition the Court. Notice of Filing Proof of Publication Exhibits, ECF No. 79-1, p. 5.

1 This Court finds the United States notified known third parties by regular mail and
2 certified mail return receipt requested of their right to petition the Court. Notice of Filing
3 Service of Process – Mailing, ECF No. 85.

4 On June 24, 2019, the United States Attorney's Office attempted to serve Megan
5 Pivacek by regular and certified return receipt mail with the Preliminary Order of Forfeiture
6 and the Notice of Preliminary Order of Forfeiture. The mail was returned with insufficient
7 address. Notice of Filing Service of Process – Mailing, ECF No. 85-1, p. 3, 6-8, 13-18, 20-
8 21, 24-25.

9 On June 24, 2019, the United States Attorney's Office served Gordon Faith by
10 regular and certified return receipt mail with the Preliminary Order of Forfeiture and the
11 Notice of Preliminary Order of Forfeiture. Notice of Filing Service of Process – Mailing,
12 ECF No. 85-1, p. 3, 6-8, 13-18, 29-31, 44.

13 On June 24, 2019, the United States Attorney's Office served Sostenes Caballero by
14 regular and certified return receipt mail with the Preliminary Order of Forfeiture and the
15 Notice of Preliminary Order of Forfeiture. Notice of Filing Service of Process – Mailing,
16 ECF No. 85-1, p. 3, 6-8, 13-18, 26-28.

17 On July 16, 2019, the United States Attorney's Office served and attempted to serve
18 Megan Pivacek by certified return receipt mail with the Preliminary Order of Forfeiture and
19 the Notice of Preliminary Order of Forfeiture. The certified mail was returned unclaimed.
20 Notice of Filing Service of Process – Mailing, ECF No. 85-1, p. 3, 6-8, 13-18, 22-24.

21 On August 5, 2019, the United States Attorney's Office served Steve Weinstein,
22 General Counsel, Farmers Insurance Group, Inc., by regular and certified return receipt
23 mail with the Preliminary Order of Forfeiture and the Notice of Preliminary Order of
24 Forfeiture. Notice of Filing Service of Process – Mailing, ECF No. 85-1, p. 3, 6-8, 13-18, 32-
25 34, 44.

26 On August 5, 2019, the United States Attorney's Office served Tim Felks, Head of
27 Property Claims, Farmers Insurance Exchange by regular and certified return receipt mail

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1 with the Preliminary Order of Forfeiture and the Notice of Preliminary Order of Forfeiture.
2 Notice of Filing Service of Process – Mailing, ECF No. 85-1, p. 3, 6-8, 13-18, 35-37, 44.

3 On August 5, 2019, the United States Attorney's Office served Jeffrey Dailey, Chief
4 Executive Officer, Farmers Insurance Group, Inc., by regular and certified return receipt
5 mail with the Preliminary Order of Forfeiture and the Notice of Preliminary Order of
6 Forfeiture. Notice of Filing Service of Process – Mailing, ECF No. 85-1, p. 4, 6-8, 13-18, 38-
7 40, 44.

8 On August 5, 2019, the United States Attorney's Office served Greg Mantz, Farmers
9 Insurance by regular and certified return receipt mail with the Preliminary Order of
10 Forfeiture and the Notice of Preliminary Order of Forfeiture. Notice of Filing Service of
11 Process – Mailing, ECF No. 85-1, p. 4, 6-8, 13-18, 41-44.

12 On July 2, 2019, Sostenes Caballero filed a putative petition for the return of the Sig
13 Sauer Pistol forfeited from Defendant Corey Leggett. Petition, ECF No. 1 (3:19-MS-09-
14 CLB).

15 On August 29, 2019, Megan Pivacek filed a putative petition for the return of the
16 Glock, Model 19, 9mm pistol bearing serial number SSY653 forfeited from Defendant
17 Corey Leggett. Petition, ECF No. 1 (3:19-MS-012-CLB). Plaintiff would not learn of Megan
18 Pivacek's filing until February 11, 2020. Motion to Extend, Exhibit A, ECF No. 97-1.

19 On November 7, 2019, the United States filed a Motion to Dismiss for Lack of
20 Standing and Failure to State a Claim requesting the Court to dismiss the third-party
21 petition for ancillary proceeding submitted by Sostenes Caballero. ECF No. 88.

22 On December 27, 2019, the Court granted the Motion to Dismiss the Petition of
23 Sostenes Caballero. ECF No. 92.

24 On January 22, 2020, the Court entered the Final Order of Forfeiture as to Corey
25 Leggett. ECF No. 94.

26 On May 4, 2020, the United States filed a Motion to Dismiss for Lack of Standing
27 and Failure to State a Claim requesting the Court to dismiss the third-party petition for
28 ancillary proceeding submitted by Megan Pivacek. ECF No. 103.

1 On June 8, 2020, the Court granted the Motion to Dismiss the Petition of Megan
2 Pivacek. ECF No. 105.

3 This Court finds no other petition was filed herein by or on behalf of any person or
4 entity and the time for filing such petitions and claims has expired.

5 This Court finds no petitions are pending with regard to the property named herein
6 and the time for presenting such petitions has expired.

7 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
8 all possessory rights, ownership rights, and all rights, titles, and interests in the property
9 hereinafter described are condemned, forfeited, and vested in the United States pursuant to
10 Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P. 32.2(c)(2); 18 U.S.C. § 924(d)(1)
11 with 28 U.S.C. § 2461(c); and 21 U.S.C. § 853(n)(7) and shall be disposed of according to
12 law:

- 13 1. a Smith & Wesson, Model M&P 9 Shield, 9mm pistol bearing serial
14 number HSP6998;
- 15 2. a Taurus, Model 856, .38 caliber revolver bearing serial number BT48167;
- 16 3. a Walther, Model PPK/S, 9mm Kurz/.380 caliber pistol bearing serial
17 number S027598;
- 18 4. a Century Arms, Model C93, 5.56 mm pistol bearing serial number
19 C93P01065;
- 20 5. a Sig Sauer, Model P226, 9mm pistol bearing serial number 47A168194;
- 21 6. a Smith & Wesson, Model M&P 9C, 9mm pistol bearing serial number
22 HSM8547;
- 23 7. a Glock, Model 19, 9mm pistol bearing serial number SSY653;
- 24 8. 32 Rounds Assorted multi caliber ammunition;
- 25 9. 9 Rounds Assorted 9mm ammunition;
- 26 10. 11 Rounds Hornady 9mm ammunition;
- 27 11. 6 Rounds Hornady 380mm ammunition;
- 28 12. 5 Rounds Armco 38mm ammunition;

1 13. 36 Rounds Western Cartridge Co 556mm ammunition; and

2 14. any and all ammunition

3 (all of which constitutes property).

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all
5 forfeited funds, including but not limited to, currency, currency equivalents, certificates of
6 deposit, as well as any income derived as a result of the government's management of any
7 property forfeited herein, and the proceeds from the sale of any forfeited property shall be
8 disposed of according to law.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
10 copies of this Order to all counsel of record.

11 DATED June 16, 2020.

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13 _____
14 MIRANDA M. DU
15 UNITED STATES DISTRICT JUDGE
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CERTIFICATE OF SERVICE

A copy of the foregoing was served upon counsel of record via Electronic Filing on June 16, 2020.

/s/ Heidi L. Skillin
HEIDI L. SKILLIN
FSA Contractor Paralegal